

REMARKS

Claims 1-12 are pending.

I. The Restriction Requirement and the Applicants' Provisional Election

The Office required restriction, under 35 U.S.C. §§ 121, 372, and considered the application to contain separate and distinct inventions, directed to two groups designated Groups I-II, as these inventions or groups of inventions allegedly do not relate to a single general inventive concept under PCT Rules 13.1 and 13.2.

In response, the Applicant hereby elects, with traverse, Group II, claim 11, drawn to a method of treating chronic hepatitis C. Further, the Applicant elects IL-15 as an active ingredient.

Applicant notes that upon allowance of any linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise requiring all of the limitations of the allowable linking claims will be rejoined and fully examined for patentability in accordance with 37 C.F.R. 1.104.

The Applicant traverses the restriction requirement on the grounds that the search and examination of Groups I-III is not unduly burdensome. According to MPEP section 803 "if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." The Applicant notes that all of the Groups are drawn to treating hepatitis C and thus urges that the examination of Groups I and III, as well as the search of Group II, with regard to the present application is not unduly burdensome.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By Stephen B. Maebius

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264